Gates & Cooper LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045

RECEIVED
CENTRAL FAX CENTER
JUN 28 2007

FAX TRANSMISSION TO USPTO

TO: Commissioner for Patents
Attn: Examiner Andrew J. Rudy
Patent Examining Corps
Facsimile Center
Alexandria, VA 22313-1450

FROM: George H. Gates
OUR REF.: 9015
TELEPHONE: (310) 642-4146

Total pages, including cover letter: 23

PTO FAX NUMBER: 571-273-8300

If you do NOT receive all of the pages, please telephone us at (310) 641-8797, or fax us at (310) 641-8798.

Title of Document Transmitted:	TRANSMITTALS AND BRIEF OF APPELLANT
Applicant:	George Robert Hood
Serial No.:	09/608,681
Filed:	June 29, 2000
Group Art Unit:	3627
Title:	OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM
Our Ref. No.:	9015

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application.

By:
Name: George H. Gates
Reg. No.: 33,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Signature

June 28, 2007
Date

GHG/cf

G&C 30145.391-US-01

Due Date: June 30, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
JUN 28 2007

Applicant:	George Robert Hood	Examiner:	Andrew J. Rudy
Serial No.:	09/608,681	Group Art Unit:	3627
Filed:	June 29, 2000	Docket:	9015
Title:	OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on June 28, 2007.

By: [signature]
Name: George H. Gates

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
☒ Brief of Appellant(s).

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 14-0225 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 26890
GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: [signature]
Name: George H. Gates
Reg. No.: 33,500
GHG/cf

Due Date: June 30, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
JUN 28 2007

Applicant:	George Robert Hood	Examiner:	Andrew J. Rudy
Serial No.:	09/608,681	Group Art Unit:	3627
Filed:	June 29, 2000	Docket:	9015
Title:	OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on June 28, 2007.

By: [signature]
Name: George H. Gates

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
☒ Brief of Appellant(s).

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 14-0225 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 26890
GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: [signature]
Name: George H. Gates
Reg. No.: 33,500
GHG/cf

G&C 30145.391-US-01

Due Date: June 30, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED
CENTRAL FAX CENTER
JUN 28 2007

In re Application of:	
Inventor: George Robert Hood	Examiner: Andrew J. Rudy
Serial #: 09/608,681	Group Art Unit: 3627
Filed: June 29, 2000	Appeal No.: ________
Title: OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM	

BRIEF OF APPELLANT

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellant's attorney hereby submits the Brief of Appellant on appeal from the final rejection in the above-identified application as set forth in the Office Action dated February 1, 2007.

No fee is required for filing this Brief of Appellant, since this is a request for reinstatement of the previous appeal. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present invention.

I. REAL PARTY IN INTEREST

The real party in interest is NCR Corporation, the assignee of the present application.

PAGE 4/23 * RCVD AT 6/28/2007 6:35:13 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/3 * DNIS:2738300 * CSID:+13106418798 * DURATION (mm-ss):06-08

RECEIVED
CENTRAL FAX CENTER
JUN 28 2007

II. RELATED APPEALS AND INTERFERENCES

There are or have been related appeals in the following co-pending and commonly-assigned patent applications:

Application Serial No. 09/608,682, filed on June 29, 2000, by George R. Hood, entitled RISK PROVISION IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9011 (30145.392US01);

Application Serial No. 09/610,646, filed on June 29, 2000, by George R. Hood et al., entitled BASIC AND INTERMEDIATE NET INTEREST REVENUE IMPLEMENTATIONS FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 8980 (30145.397US01);

Application Serial No. 09/608,355, filed on June 29, 2000, by George R. Hood et al., entitled ADVANCED AND BREAKTHROUGH NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9006 (30145.401US01);

Application Serial No. 09/943,060, filed on August 30, 2001, by Paul H. Phibbs, Jr., entitled CAPTIAL ALLOCATION IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9391 (30145.404USU1);

Application Serial No. 09/943,059, filed on August 30, 2001, by Paul H. Phibbs, Jr., entitled ALLOCATED BALANCES IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9512 (30145.405USU1);

Application Serial No. 09/845,461, filed on April 30, 2001, by George Robert Hood, entitled TAX ADJUSTMENT FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9522 (30145.415US01);

Application Serial No. 10/016,779, filed on December 10, 2001, by Brian J. Wasserman, entitled PARALLEL SELECTION PROCESSING FOR FINANCIAL PROCESSING IN A

RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9620 (30145.416US01);

Application Serial No. 10/013,422, filed on December 10, 2001, by Brian J. Wasserman, entitled ACCOUNT SELECTION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9621 (30145.417US01);

Application Serial No. 10/013,434, filed on December 10, 2001, by Brian J. Wasserman, entitled DRIVER AMOUNT AND COUNT SELECTION PROCESSING FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9675 (30145.418US01);

Application Serial No. 10/016,452, filed on December 10, 2001, by Brian J. Wasserman et al., entitled DYNAMIC EVENT SELECTION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9618 (30145.419US01);

Application Serial No. 09/845,851, filed on April 30, 2001, by George Robert Hood, entitled SHAREHOLDER VALUE ADD FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9511 (30145.421US01); and

Application Serial No. 09/845,924, filed on April 30, 2001, by George Robert Hood, entitled AMORTIZATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9435 (30145.422US01).

III. STATUS OF CLAIMS

Claims 1-27 are pending in the application.

Claims 1-27 were rejected under 35 U.S.C. §103(a) as being obvious in view of "Raising Relationships II," John R. Johnson, June 1999.

Claims 1-27 are being appealed.

IV. STATUS OF AMENDMENTS

No amendments have been made subsequent to the previous Office Action.

RECEIVED
CENTRAL FAX CENTER
JUN 2 8 2007

V. SUMMARY OF THE INVENTION

Appellant's independent claims 1, 10 and 19 are generally directed to an invention that performs financial processing in a computer.

Independent claim 1 recites a method of performing financial processing in a computer (100). (See, page 3, lines 1-17; page 7, lines 7-17 referring to 102, 104 and 106 in FIG. 1; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The method includes accessing account, event and organization attributes (202, 204, 206) from a database (106) accessible by the computer (100), wherein: (1) the account attributes (202) comprise data about accounts being measured, (2) the event attributes (204) comprise data about account-related transactions, and (3) the organization attributes (206) comprise data about the organization's financial status. (See, page 3, lines 1-17; page 4, line 14 through page 5, line 4; page 8, line 19 through page 9, line 16 referring to 202, 204 and 206 in FIG. 2; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The method also includes performing one or more profitability calculations (200) in the computer (100) using the account, event and organization attributes (202, 204, 206) accessed from the database (106), as well as one or more profit factors (208) and one or more rules (210), wherein the profitability calculations (200) include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP).

(See, page 3, lines 1-17; page 4, line 14 through page 5, line 4; page 8, line 19 through page 10, line 23 referring to 200, 202, 204, 206, 208 and 210 in FIG. 2; page 13, line 10 through page 14, line 2 referring to 200 in FIG. 2; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person. (See, page 3, lines 1-17; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.)

Independent claim 10 recites a system for financial processing. The system includes a computer (100) and logic performed by the computer (100). (See, page 3, lines 1-17; page 7, lines 7-17 referring to 102, 104 and 106 in FIG. 1; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The logic includes accessing account, event and organization attributes (202, 204, 206) from a database (106) accessible by the computer (100), wherein: (1) the account attributes (202) comprise data about accounts being measured, (2) the event attributes (204) comprise data about account-related transactions, and (3) the organization attributes (206) comprise data about the organization's financial status. (See, page 3, lines 1-17; page 4, line 14 through page 5, line 4; page 8, line 19 through page 9, line 16 referring to 202, 204 and 206 in FIG. 2; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The logic also includes performing one or more profitability calculations (200) in the computer (100) using the account, event and organization attributes (202, 204, 206) accessed from the database (106), as well as one or more profit factors (208) and one or more rules (210), wherein the profitability calculations (200) include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP).

(See, page 3, lines 1-17; page 4, line 14 through page 5, line 4; page 8, line 19 through page 10, line 23 referring to 200, 202, 204, 206, 208 and 210 in FIG. 2; page 13, line 10 through page 14, line 2 referring to 200 in FIG. 2; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person. (See, page 3, lines 1-17; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.)

Independent claim 19 recites an article of manufacture embodying logic for performing financial processing in a computer (100). (See, page 3, lines 1-17; page 7, lines 7-17 referring to 102, 104 and 106 in FIG. 1; and page 22, line 17 through page 23, line 16 referring to 314 in

FIG. 3.) The logic includes accessing account, event and organization attributes (202, 204, 206) from a database (106) accessible by the computer (100), wherein: (1) the account attributes (202) comprise data about accounts being measured, (2) the event attributes (204) comprise data about account-related transactions, and (3) the organization attributes (206) comprise data about the organization's financial status. (See, page 3, lines 1-17; page 4, line 14 through page 5, line 4; page 8, line 19 through page 9, line 16 referring to 202, 204 and 206 in FIG. 2; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The logic also includes performing one or more profitability calculations (200) in the computer (100) using the account, event and organization attributes (202, 204, 206) accessed from the database (106), as well as one or more profit factors (208) and one or more rules (210), wherein the profitability calculations (200) include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP).

(See, page 3, lines 1-17; page 4, line 14 through page 5, line 4; page 8, line 19 through page 10, line 23 referring to 200, 202, 204, 206, 208 and 210 in FIG. 2; page 13, line 10 through page 14, line 2 referring to 200 in FIG. 2; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.) The Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person. (See, page 3, lines 1-17; and page 22, line 17 through page 23, line 16 referring to 314 in FIG. 3.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-27 are obvious under 35 U.S.C. §103(a) over "Raising Relationships II," John R. Johnson, June 1999.

RECEIVED
CENTRAL FAX CENTER
JUN 28 2007

VII. ARGUMENTS

A. The Office Action Rejections

In paragraph (3) of the Office Action, claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over "Raising Relationships II," John R. Johnson, June 1999.

Appellant's attorney respectfully traverses these rejections.

B. Appellant's Independent Claims

As noted above, Appellant's independent claims 1, 10 and 19 are generally directed to an invention that performs financial processing in a computer. Claim 1 is representative and comprises the steps of:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

(c) wherein the Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person.

C. The Johnson Reference

The Johnson reference is an article entitled "Raising Relationships II," by John R. Johnson, June 1999. The Johnson reference describes predictive modeling, which is an approach to building relationships with customers of banks.

D. Arguments Directed To The First Grounds for Rejection: Whether Claims 1-27 Are Obvious Under 35 U.S.C. §103(a) Over Johnson.

1. Claims 1, 10 and 19

Appellant's attorney respectfully submits that Appellant's claimed invention is patentable over Johnson in combination with Official Notice. Specifically, Appellant's attorney asserts that the combination of Johnson and Official Notice does not teach or suggest the specific combination of elements recited in Appellant's claims.

Nonetheless, the Office Action cites to the following locations in Johnson:

> Five-part profitability
>
> Profitability in banks is comprised of many parts. In general, the five essential ones are: net interest revenue, other revenue, direct expenses, indirect expenses and risk provision.
>
> Many of the components, such as balance, fees, service charges, transactions and account life-span can be estimated. The results of profitability modeling are not binary, as with the response or ownership areas discussed earlier. Instead, it yields a set of values that can be used in profitability calculations.
>
> Other revenue and expense components, such as expense allocations and risk, can be estimated through business modeling. The product of both kinds of modeling is estimated profit for each account (interest checking, non-interest checking, savings, etc.)
>
> Once the probability-of-response and estimated profitability are available, they can be combined to form additional marketing intelligence. The product of the magnitude of gain or loss by the probability of that gain or loss actually occurring is the potential profit. This potential-profit figure incorporates profitability and response and increases the efficiency of targeting.
>
> Because estimated profitability is available for each product a customer may purchase, it helps determine how many marketing dollars can be reasonably allocated to selling a specific product or service to a specific household. Combining probability-of-response and profitability helps eliminate the sale of

unprofitable accounts. On the other hand, it helps eliminate the tendency to market those products that are profitable, but generally not needed.

Once the bank has a system for selecting the product that the customer is most likely to purchase at the highest profit level possible, the institution must get the specific products and incentives to the various touch-points.

Assuming the bank has done an effective job of positioning itself in the marketplace and with its customers, has established a way to identify a time when customers should be contacted and has established a methodology to predict customer needs - what's next?

Appellant's attorney respectfully submits that the above portions of Johnson do not teach or suggest all of the elements of Appellant's independent claims 1, 10 and 19, either taken individually or in combination with Official Notice.

For example, the above portions of Johnson do not teach or suggest accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status, and performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

In another example, the above portions of Johnson do not teach or suggest profitability calculations wherein the Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person.

Instead, the "other revenue" referred to in Johnson merely comprises a general recitation of elements that can be estimated, in terms of the estimated profit for each account. However, the other revenue of Johnson does not include all the Appellant's recited claim elements of "(1)

revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person."

Indeed, Johnson is merely a description of the general accounting concepts and principles of the five-part profitability, but does not describe Appellant's specific account, event and organization attributes, Appellant's profit factors and rules, or Appellant's specific Other Revenue elements used in Appellant's profitability calculations.

With regard to the Official Notice, the Office Action errs when it asserts that the Other Revenue must be considered common knowledge in the financial processing art and that the dependent claim limitations are deemed to have been common knowledge in the art at least one year prior to Appellant's filing date. As noted at M.P.E.P. §2144.03, there must be some form of evidence in the record to support an assertion of common knowledge, but no such evidence exists in this instance. It appears that the Office Action relies upon Johnson as this evidence, when it asserts that to have provided such elements for Johnson would have been obvious to one of skill in the art. However, this assertion is erroneous. As noted above, Johnson does not teach or suggest all the elements recited in Applicant's claims. Consequently, the Official Notice comprises mere conclusions by the Office Action and cannot be supported by actual evidence.

Thus, the combination of Johnson and Official Notice does not teach or suggest the specific combination of elements recited in Appellant's claims. Moreover, the Examiner's assertions that the elements of Applicant's invention would have been obvious to one of ordinary skill in the art is unsupported by the evidence. Instead, this assertion merely reflects the improper application of hindsight by the Examiner.

Appellant's claimed invention provides operational advantages over the prior art. Appellant's invention describes a more sophisticated model for implementing profitability calculations in a computer system, as well as a different, more sophisticated set of relationships between the elements of the model. The combination of Johnson and Official Notice fails to teach or suggest the specific model, all of the elements of the model, or the relationships between the various elements.

Thus, Appellant's attorney submits that independent claims 1, 10 and 19 are allowable over the combination of Johnson and Official Notice. Further, dependent claims 2-9, 11-18 and

20-27 are submitted to be allowable over the combination of Johnson and Official Notice in the same manner, because they are dependent on independent claims 1, 10 and 19, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-9, 11-18 and 20-27 recite additional novel elements not shown by Johnson.

2. Claims 2, 11 and 20

Claims 2, 11 and 20 recite that the profit factors include parameter values necessary to perform the profitability calculations. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

3. Claims 3, 12 and 21

Claims 3, 12 and 21 recite that the rules direct operations of the profitability calculations. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

4. Claims 4, 13 and 22

Claims 4, 13 and 22 recite that the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

5. Claims 5, 14 and 23

Claims 5, 14 and 23 recite that the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

6. Claims 6, 15 and 24

Claims 6, 15 and 24 recite that the Expected Other Revenue is revenue expected to be received. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

7. Claims 7, 16 and 25

Claims 7, 16 and 25 recite that the Other Revenue Foregone is revenue foregone on each account. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

8. Claims 8, 17 and 26

Claims 8, 17 and 26 recite that the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

9. Claims 9, 18 and 27

Claims 9, 18 and 27 recite the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method. The Office Action rejects these claims only generally, i.e., on the same basis as the independent claims, without citing any specific location within the reference as teaching these limitations. Appellant's attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of these claims.

VIII. CONCLUSION

In light of the above arguments, Appellant's attorney respectfully submits that the cited reference does not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Appellant

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: June 28, 2007

By: ____________________
Name: George H. Gates
Reg. No.: 33,500

GHG/

CLAIMS APPENDIX

1. A method of performing financial processing in a computer, comprising:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

(c) wherein the Other Revenue comprises: (1) revenue that is associated with an account, (2) revenue that is associated with a person, and (3) revenue that is not specifically associated with an account or person.

2. The method of claim 1, wherein the profit factors include parameter values necessary to perform the profitability calculations.

3. The method of claim 1, wherein the rules direct operations of the profitability calculations.

4. The method of claim 1, wherein the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone.

5. The method of claim 4, wherein the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees.

6. The method of claim 4, wherein the Expected Other Revenue is revenue expected to be received.

7. The method of claim 4, wherein the Other Revenue Foregone is revenue foregone on each account.

8. The method of claim 4, wherein the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue.

9. The method of claim 1, wherein the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method.

10. A system for financial processing, comprising:

a computer;

logic, performed by the computer, for:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

(c) wherein Other Revenue comprises: (1) revenue that can be associated with an account, (2) revenue that can be associated with a person, and (3) revenue that is not specifically associated with an account or person.

11. The system of claim 10, wherein the profit factors include parameter values necessary to perform the profitability calculations.

12. The system of claim 10, wherein the rules direct operations of the profitability calculations.

13. The system of claim 10, wherein the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone.

14. The system of claim 13, wherein the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees.

15. The system of claim 13, wherein the Expected Other Revenue is revenue expected to be received.

16. The system of claim 13, wherein the Other Revenue Foregone is revenue foregone on each account.

17. The system of claim 13, wherein the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue.

18. The system of claim 10, wherein the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method.

19. An article of manufacture embodying logic for performing financial processing in a computer, comprising:

(a) accessing account, event and organization attributes from a database accessible by the computer, wherein: (1) the account attributes comprise data about accounts being measured, (2) the event attributes comprise data about account-related transactions, and (3) the organization attributes comprise data about the organization's financial status;

(b) performing one or more profitability calculations in the computer using the account, event and organization attributes accessed from the database, as well as one or more profit factors and one or more rules, wherein the profitability calculations include:

Profit	=	Net Interest Revenue (NIR)
	+	Other Revenue (OR)
	-	Direct Expense (DE)
	-	Indirect Expense (IE)
	-	Risk Provision (RP)

(c) wherein Other Revenue comprises: (1) revenue that can be associated with an account, (2) revenue that can be associated with a person, and (3) revenue that is not specifically associated with an account or person.

20. The article of manufacture of claim 19, wherein the profit factors include parameter values necessary to perform the profitability calculations.

21. The article of manufacture of claim 19, wherein the rules direct operations of the profitability calculations.

22. The article of manufacture of claim 19, wherein the Other Revenue is selected from one or more sources selected from a group comprising: Actual Other Revenue, Expected Other Revenue, and Other Revenue Foregone.

23. The article of manufacture of claim 22, wherein the Actual Other Revenue is selected from one or more sources selected from a group comprising: One-time Fees and Recurring Fees.

24. The article of manufacture of claim 22, wherein the Expected Other Revenue is revenue expected to be received.

25. The article of manufacture of claim 22, wherein the Other Revenue Foregone is revenue foregone on each account.

26. The article of manufacture of claim 22, wherein the Other Revenue Foregone is the difference between the Expected Other Revenue and the Actual Other Revenue.

27. The article of manufacture of claim 19, wherein the Other Revenue is partitioned and apportioned to one or more accounts associated with each partition using one or more specified allocation methods selected from a group comprising: balance method, count method, transaction count method, or transaction amount method.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.